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COMMITTEE AGAINST TORTURE

Twenty-second session

SUMMARY RECORD OF THE FIRST PART (PUBLIC)* OF THE 384th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 May 1999, at 10 a.m.

Chairman: Mr. BURNS

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* The summary record of the second part (closed) of the meeting appears as document CAT/C/SR.384/Add.1.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 5) (continued)

Second periodic report of Liechtenstein (CAT/C/29/Add.5)

1. At the invitation of the Chairman, Mr. Frick and Mr. Langenbahn (Liechtenstein) took places at the Committee table.

2. Mr. LANGENBAHN (Liechtenstein) said that an important new development from the standpoint of the Convention had been the entry into force in July 1998 of the Admission of Asylum-Seekers and Persons in Need of Protection Act, an instrument that strengthened the basis for compliance with article 3 of the Convention by explicitly stating the principle of non-refoulement of an individual to a country where he or she ran the risk of being tortured. Under the new Act, Liechtenstein was currently affording temporary protection to almost 400 refugees from Kosovo. Consideration of applications for asylum had been suspended for the protection period but would subsequently be resumed. In addition, Tibetan asylum-seekers had been granted asylum and were now entitled to stay in Liechtenstein.

3. Liechtenstein had also signed the Statute of the International Criminal Court and was preparing to ratify it. It was a party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. A mission of the European Committee for the Prevention of Torture would visit Liechtenstein in 1999 to investigate conditions of detention at the country's only prison in Vaduz.

4. The CHAIRMAN, speaking as Country Rapporteur, welcomed the rapid implementation by Liechtenstein of the recommendations made by the European Committee for the Prevention of Torture in the report on its first visit to the prison.

5. He wished to know whether the draft legislation on cooperation with the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, mentioned in paragraph 18 of the report, had been adopted by the Parliament and promulgated.

6. He asked whether, under the compulsory health insurance scheme described in paragraph 42 of the report, detainees could have access to a doctor of their own choosing or whether they had to make do with an officially assigned doctor.

7. According to paragraph 46 of the report, nobody could be held incommunicado during pre-trial detention and the examining magistrate authorized detainees to have contact with anybody they pleased unless such contacts resulted in prejudice to the purpose of pre-trial detention. Did that mean that for a certain period detainees had contact only with the examining magistrate and could not see their lawyers - which would be tantamount to incommunicado detention?

8. What was to be understood by the word "collusion" in paragraphs 50 and 59 of the report, which stated that contacts between a detainee and his lawyer were monitored when there was a risk of collusion? Where there was no such risk, what was the duration of pre-trial detention? Noting with surprise that, where there was a risk of collusion, such detention could continue for

two years, depending on the seriousness of the offence of which the detainee was suspected, he asked when the provisions had been enacted and whether they were still in force.

9. In cases where, pursuant to an agreement, persons sentenced by courts in Liechtenstein were sent to serve their sentences in an Austrian prison, which of the two countries would be held responsible and have to compensate a detainee who had been subjected to ill-treatment in an Austrian establishment?

10. How many women and juveniles were held in the Liechtenstein prison? Were they segregated from adult males? Had measures been taken to ensure that women detainees were supervised by women and that juveniles were monitored by experienced persons?

11. He commended the way in which Liechtenstein had assumed its responsibilities regarding asylum and welcomed the fact that the Tibetan asylum-seekers mentioned during the Committee's consideration of the initial report had been granted asylum.

12. As Liechtenstein was a party to the Convention, under which it was required to exercise universal jurisdiction, and was preparing to ratify the Statute of the International Criminal Court, which would exercise universal jurisdiction over a variety of crimes, it would be interesting to know whether the State party would declare its jurisdiction if a torturer who was a national of a State party to the Convention and had committed such a crime outside Liechtenstein was present in its territory.

13. Mr. YU Mengjia (Alternate Country Rapporteur) asked what subjects had been discussed at the meetings between members of the European Committee for the Prevention of Torture and the national officials mentioned in paragraph 25 and what was the content of the new proposals made in that context. He also asked whether, apart from the information provided in the report, there had been any new developments in respect of the improvement of conditions of detention in Vaduz prison.

14. Mr. SØRENSEN asked whether Liechtenstein, like some other countries, operated a system of solitary confinement, whereby prisoners were allowed to see their lawyer but were cut off from their family and other prisoners and deprived of access to radio and television. If so, what was the maximum duration of such confinement and was it subject to review?

15. He thought that paragraph 46 of the report should have mentioned the Committee against Torture among the bodies to which detainees could send uncensored correspondence, given that Liechtenstein had accepted the obligations imposed by article 22.

16. Lastly, he noted with satisfaction that Liechtenstein regularly made sizeable contributions to the United Nations Voluntary Fund for Victims of Torture.

17. The delegation of Liechtenstein withdrew.

The public part of the meeting rose at 10.30 a.m.